

105TH CONGRESS  
1ST SESSION

# H. R. 104

To authorize the private ownership and use of National Park System lands.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. BARTLETT of Maryland introduced the following bill; which was referred  
to the Committee on Resources

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## A BILL

To authorize the private ownership and use of National Park  
System lands.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Park En-  
5       hancement and Revitalization Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

8               (1) The National Park Service has insufficient  
9       funds for the operations, maintenance, and rehabili-  
10      tation of certain units of the National Park System.

1           (2) Federal full fee land ownership is not al-  
 2 ways required to preserve the aesthetic, natural, cul-  
 3 tural, and historical values of National Park System  
 4 lands, and at times may even prevent desirable pres-  
 5 ervation.

6           (3) The sale or lease or any extension thereof  
 7 of lands or interests therein within units of the Na-  
 8 tional Park System could generate needed funds  
 9 while preserving the values for which the units were  
 10 established.

11 **SEC. 3. PERMITTING PRIVATE OWNERSHIP OR USE OF NA-**  
 12 **TIONAL PARK SYSTEM LANDS.**

13       The Act of August 25, 1916 (popularly known as the  
 14 National Park Service Organic Act; 16 U.S.C. 1241 et  
 15 seq.), is amended by adding at the end the following new  
 16 section:

17       “SEC. 5. (a) DISPOSAL OF PROPERTY AND INTER-  
 18 ESTS.—(1) The Secretary of the Interior, after determin-  
 19 ing it to be in the public interest and after publication  
 20 of notice in the Federal Register and 30 days for public  
 21 comment—

22           “(A) may dispose of lands, or interests therein  
 23 (but not the mineral estate), within the National  
 24 Battlefields, National Historical Parks, and other

1 National Park System units which preserve Amer-  
2 ican history; and

3 “(B) may accept as consideration for the dis-  
4 posal other lands, interests in lands, cash payment,  
5 or any combination thereof which is equal in value  
6 to the lands or interests being disposed of.

7 “(2) To protect the aesthetic, recreational, cultural,  
8 or historic values of the unit of the National Park System,  
9 the Secretary shall include in such disposals any terms,  
10 covenants, conditions, or reservations deemed necessary to  
11 ensure preservation of the public interest and uses consist-  
12 ent with the purposes for which the area was designated  
13 and to attempt to stimulate the land use patterns existing  
14 at the relevant historic period.

15 “(3) In disposing of lands or interests under this sub-  
16 section, the Secretary shall, to the extent practicable, pro-  
17 vide the person or persons, or their heirs, as determined  
18 from the deed and land records, from whom the land or  
19 interest was acquired by the United States an opportunity  
20 to reacquire the land or interest. The Secretary shall pub-  
21 lish a notice in an appropriate regional or local newspaper  
22 in an attempt to locate such persons.

23 “(4) Each disposal in excess of \$150,000 shall be re-  
24 ported to the Committee on Resources of the House of

1 Representatives and the Committee on Energy and Natu-  
2 ral Resources of the Senate at least 30 days prior to con-  
3 summation of the disposal.

4 “(5) The person or persons acquiring lands or inter-  
5 ests therein under this subsection shall bear all reasonable  
6 costs of survey and appraisal incidental to such convey-  
7 ance, as determined by the Secretary.

8 “(b) LEASE.—(1) The Secretary of the Interior, after  
9 determining it to be in the public interest and after publi-  
10 cation of notice in the Federal Register and 30 days for  
11 public comment, may lease lands or extend existing leases  
12 within the National Battlefields, National Historical  
13 Parks, and other National Park System units which pre-  
14 serve American history for private uses that promote, and  
15 are consistent with, the purposes for which the area was  
16 designated and that attempt to stimulate the land use pat-  
17 terns existing at the relevant historic period.

18 “(2) To the extent practicable, the Secretary shall  
19 provide the person or persons, or their heirs, as deter-  
20 mined from the deed and land records, from whom the  
21 land or interest was acquired by the United States an op-  
22 portunity to lease the land for acceptable uses. The Sec-  
23 retary shall publish a notice in an appropriate regional or  
24 local newspaper in an attempt to locate such persons.

1       “(3) Such leases may be negotiated noncompetitively.  
2 If the original owner or heirs cannot be identified or are  
3 not interested, leases shall be offered competitively. In ei-  
4 ther case, leases must specify acceptable uses and terms  
5 and must at least recover the costs of establishing and  
6 administering the lease.

7       “(c) USE OF REVENUES.—Amounts received by the  
8 United States as proceeds from the sale or lease of lands  
9 or interests therein under this section, in excess of admin-  
10 istrative costs, shall be deposited in a special fund in the  
11 Treasury and shall be available to the Secretary of the  
12 Interior, without further appropriation, for operation,  
13 maintenance, or improvement of, or for acquisition of  
14 lands or interests therein for, the unit which generated  
15 the proceeds.

16       “(d) ACQUIRING LESS THAN FEE TITLE.—The Sec-  
17 retary of the Interior, after determining it to be in the  
18 public interest and in compliance with other acquisition  
19 requirements, may acquire easements or other interests in  
20 lands for inclusion in the National Park System, if—

21               “(1) the easement or interest provides public  
22       benefits greater than the cost of the easement or in-  
23       terest, and

24               “(2) the cost of the easement or interest is less  
25       than a fee simple purchase of the land, including the

1 costs for periodic monitoring and enforcement to en-  
2 sure compliance with such agreements.”.

3 **SEC. 4. STUDY.**

4 The Government Accounting Office (GAO) of the  
5 United States shall undertake a study of easements and  
6 other less-than-fee title acquisitions of interests in lands  
7 for the National Park System to assess their effectiveness,  
8 including total costs and compliance with agreements, and  
9 their efficiency for producing public benefits.

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